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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OPEN TEXT S.A.,

Plaintiff,

v.

BOX, INC. and CARAHSOFT
TECHNOLOGY CORPORATION,

Defendants.

Case No. C 13-04910 JD

**PLAINTIFF'S MOTION FOR LEAVE
TO SEEK RECONSIDERATION OF
THE COURT'S ORDER ON
PLAINTIFF'S MOTION IN LIMINE
NO. 1**

Pursuant to Local Rule 7-9(b)(3), Open Text moves for leave to move for reconsideration of the Court's order denying as moot Open Text's Motion *in Limine* No. 1. (Dkt. No. 469 at 3.) Open Text was diligent in bringing this Motion—seeking leave just two days after the Court's Order. (Civil L.R. 7-9.)

In its January 26, 2015 "Order re Motions *in Limine*" (the "Order") the Court denied as moot Open Text's Motion *in Limine* No. 1, which relates to the testimony of Messrs. Knotts and Ghods and Defendants' experts' reliance on the testimony. (Dkt. No. 469 at 3.) While the Motion is moot with respect to the testimony of Mr. Knotts in light of Docket No. 441, the Motion with respect to Mr. Ghods is not mooted by Docket No. 454 as indicated in the Order.

1 Mr. Ghods' opinions and testimony that Open Text seeks to preclude relate not only to the
 2 Groupware patents, but also to the File Sync patents. Defendants' damages expert Dr. Leonard
 3 relies on Mr. Ghods' non-infringing alternatives opinion relating to the File Sync patents. (See
 4 Dkt. No. 311 at 11-12.) Defendants have also indicated that they intend to elicit testimony from
 5 Mr. Ghods at trial. (Dkt. No. 391 at 5.) The same issue presented in Open Text's Motion *in*
 6 *Limine* No. 1 is currently before the Court in Open Text's pending motions to exclude Ghods and
 7 Leonard. (Dkt. No. 311 at 11-12; Dkt. No. 299.)

8 Accordingly, Open Text respectfully requests leave to seek reconsideration of the Order
 9 on Open Text's Motion *in Limine* No. 1 as it pertains to Mr. Ghods. (Civil L.R. 7-9.)

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 11 Dated: January 28, 2015

COOLEY LLP

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 13 s/ Sarah Guske

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